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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

* * *

IN RE: FIRSTENERGY CORP., CIVIL ACTION NO.
SECURITIES LITIGATION 2:20-cv-3785

* * *

THIS DOCUMENT RELATES TO:
ALL ACTIONS.

* * *

STATUS CONFERENCE HELD BEFORE
SPECIAL MASTER SHAWN JUDGE

* * *

THURSDAY, MAY 29, 2025
STARTING AT 11:02 A.M.

* * *

TAKEN REMOTELY VIA ZOOM VIDEOCONFERENCE
REPORTER: KIMBERLY C. CAUSLIN GWINN
JOB NUMBER 7042478

* * *

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PROCEEDINGS

* * *

SPECIAL MASTER JUDGE: Let's go on the record. Good morning, everyone. It's 11:02. It's May 29, 2025, and we are here for the consolidated FirstEnergy status conference hearing for this week. I saw a notice to any preconference filings. What I wanted to address today was any issues that you have in mind as well as the weekly status report.

I reviewed that filing in the ECF 811 in the main case and we have quite a few depositions to be set. We have some set for September. We have none set for June and July or August. I was hoping to see some of those dates of those months fill in. I noticed that a lot of cases for depositions are being noticed by Defendants Jones and Dowling. There were some target dates set for the June, July period.

So I will start with either counsel for Defendant Jones or Dowling. Mr. McCaffrey for Dowling, you can go first. Give me an update where you are in getting these things scheduled.

MS. RENDON: Special Master Judge, we did have target dates in June and July. Those

1 dates were not available for various reasons for
2 the deponents and their counsel, which is why
3 those depositions have been moved into September.

4 SPECIAL MASTER JUDGE: And most of
5 these, it looks like a lot of these were third
6 party, but not all of them were.

7 MS. RENDON: No, Don Schneider is a
8 party.

9 SPECIAL MASTER JUDGE: Yeah.

10 MS. RENDON: I mean, I'm sorry, Don
11 Misheff is a party.

12 MR. McCAFFREY: We do have -- Carole,
13 we do have one individual, Mr. Knipe,
14 K N I P E, who has been scheduled for June 26 and
15 27. And I believe FirstEnergy counsel is
16 representing Mr. Knipe in connection with that.

17 MR. MENILLO: That is correct.

18 SPECIAL MASTER JUDGE: Let's jump
19 over to FirstEnergy. I think you've noticed quite
20 a few or have expressed an intent to be noticing
21 party of quite a few. What about June, July,
22 August?

23 MR. MENILLO: Sir, we are working
24 through documents we have received from some of
25 the investment advisor entities that we've sent

1 subpoenas to and working to get target periods
2 once we've reviewed those documents. So June and
3 July are -- are options. We're just working
4 towards that goal.

5 SPECIAL MASTER JUDGE: I appreciate
6 that. Can you -- I mean, when you say you were
7 working towards that goal, will there be a
8 likelihood that you'll be filling in those dates?
9 I hate to lose three months here.

10 MR. MENILLO: Certainly in July. I'm
11 not sure if we'll get anything on the calendar for
12 June. A lot of this is nonparty, so it depends on
13 their availability, of course, but we're pushing
14 as hard as we can.

15 SPECIAL MASTER JUDGE: I appreciate
16 it. Mr. Forge for plaintiff?

17 MR. FORGE: We are, as I indicated
18 the last time we spoke, holding out hope against
19 reality that we're going to get a decision from
20 the Sixth Circuit on the internal investigation
21 documents. But really, to be blunt, the witnesses
22 whose depositions were derailed because of what
23 went on with the Ohio AG, those are -- those are
24 some of the most important witnesses for us; but,
25 of course, we wanted to have all of the

1 information before we depose them.

2 So in terms of how we're going to hit
3 the ground running, if and when we get the
4 decision on the internal investigation documents,
5 we're going to have to see -- I'm assuming that
6 we're going to get the decision on that issue
7 around, if not at the same time, we get the class
8 certification. So those -- those decisions are
9 going to dictate to our priorities going forward.

10 If we have to redo class
11 certification, that's going to be the priority
12 because, obviously, there's some utility in
13 putting off fact depositions until after January
14 of 2026. As awful as that sounds, that's just the
15 reality.

16 SPECIAL MASTER JUDGE: Yeah, I agree.
17 The direct-action plaintiffs, anything from you?

18 MR. MIARMI: Thanks, Special Master
19 Judge. Mike Miarmi from Lieff Cabraser. We're
20 really in the same position as class plaintiffs,
21 class counsel and, of course, pursuant to the
22 Court's orders about coordination, we have and
23 will continue to coordinate with them successfully
24 on depositions, but really nothing more to say on
25 that beyond what Mr. Forge said.

1 SPECIAL MASTER JUDGE: And I
2 appreciate that. I was hoping -- hoping to put a
3 little bit of pressure, but I understand
4 circumstances are what they are and we can't do
5 anything about it. I ask that any that you can
6 get done, at least get concrete dates for
7 September and October and going forward set.

8 From a transparency standpoint,
9 here's what I'm working on related to this case.
10 We have some filings that are coming in regarding
11 the prior submission, ex-parte in camera
12 submission by Ohio EIE, LEAU (phonetic). They
13 came in a very disjointed manner and they're being
14 resubmitted. They need a little bit extra time.
15 They end at close of business today.

16 I'm working my way through yesterday
17 and today on the Ohio AG submissions and I
18 anticipate Saturday, Sunday and going forward I'll
19 be working my way through the Jones and Dowling
20 submissions that were supplied in camera on an
21 ex-parte basis, and I will hopefully be divulging
22 decisions relatively soon on all of those issues
23 that are still outstanding.

24 Is there anything we need to discuss
25 today or any problems that need to be addressed

1 while we're on the horn, anybody?

2 MR. FORGE: No from class plaintiffs,
3 sir. I have good news to share. We were able to
4 work through a document dispute with Energy
5 Harbor. So that's one less issue that we'll have
6 to bring. And having worked through that, that
7 will probably enable us to get one or two
8 depositions on the calendar in fairly short order
9 related to Energy Harbor.

10 SPECIAL MASTER JUDGE: I like hearing
11 that. Plaintiffs get a gold star for the day --

12 MR. FORGE: Great.

13 SPECIAL MASTER JUDGE: -- for
14 whatever that's worth. Any other issues from
15 anybody or anything we need to talk about?
16 Hearing none, I don't want to keep you and delay
17 you. Everyone have a good week and we will
18 convene next week as needed. Thank you. We're
19 off the record. Take care, everyone.

20 (Thereupon, the proceeding was
21 concluded at 11:10 a.m.)
22
23
24
25

1 STATE OF OHIO)

2 COUNTY OF GREENE) SS: CERTIFICATE

3 I, Kimberly C. Causlin Gwinn, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named
7 proceeding was reduced to writing by me
8 stenographically in the presence of the parties
9 and thereafter reduced to typewriting.

10 I FURTHER CERTIFY that I am not a relative
11 or Attorney of either party nor in any manner
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and seal of office at Xenia, Ohio, on
15 this 30th day of May, 2025.

16
17
18 Kimberly C. Causlin Gwinn
19

KIMBERLY C. CAUSLIN GWINN

20 NOTARY PUBLIC, STATE OF OHIO

My commission expires 9-4-2029

[& - ballard]

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